

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA, )  
Plaintiff, )

v. )

Docket No: 113C 1:22CR20341

ALEXANDER JUAN, )  
Defendant. )

**DEFENDANT'S REPLY TO THE GOVERNMENT'S  
OPPOSITION TO DEFENDANT'S MOTION FOR  
SENTENCE REDUCTION PURSUANT TO 18 U.S.C § 3582(c)(2)**

Alexander Juan ("Juan"), acting pro se, hereby submits a reply to the Government's Opposition to Defendant's Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2):

1. The government objects to Juan's motion based on a creative interpretation of the Sentencing Commission's newly enacted guidelines.
2. More specifically, the newly enacted guidelines preclude a reduction in an instances in which "(10) the defendant did not receive an adjustment under § 3B1.1 (Aggravating Role) and was not engaged in a continuing criminal enterprise, as defined in 21 U.S.C. § 848." [Emphasis supplied.]
3. The government suggests regarding the aforementioned quote that "the language "and" is best read distributively and thus, conjunctively, to require a defendant to meet both prongs, meaning that a defendant who either received an aggravating role adjustment or was engaged in a continuing criminal enterprise (CCE) would be excluded.

4. The "Plain Meaning" rule is a well settled area of jurisprudence.

"If the words are plain, they give meaning to the act, and it is neither the duty nor the privilege of the courts to enter speculative fields in search of a different meaning. ... [W]hen words are free from doubt they must be taken as the final expression of the legislative intent, and are not to be added to or subtracted from by considerations drawn from titles or designating names or reports accompanying their introduction, or from any extraneous source. In other words, the language being plain, and not leading to absurd or wholly impracticable consequences, it is the sole evidence of the ultimate legislative intent." *Caminetti v. United States*, 242 U.S. 470, 490 (1917).

"The plain meaning rule has many formulations, but its essential aspect is a denial of the need to 'interpret' unambiguous language.... In the federal courts the most common effect of the rule has been to preclude resort to bits of legislative history such as reports, hearings, and debates." Murphy, *Old Maxims Never Die: The "Plain Meaning Rule" and Statutory Interpretation in the "Modern" Federal Courts*, 75 COLUM. L. REV. 1299, 1299-300 (1975) (footnote omitted); cf. Kelso & Kelso, *Appeals in Federal Courts by Prosecuting Entities Other Than the United States: The Plain Meaning Rule Revisited*, 33 HASTINGS L.J. 187, 208 (1981) ("[M]odem debate over the rule centers on the permissible use of extrinsic materials to determine legislative intent.").

5. It is highly reasonable to assume that the United States Sentencing Commission knew and understood the distinction between using the words "and" and "or" when drafting the new rules applying a 2-level downward departure to people who have zero criminal history points and that the plain meaning of the word "or" should apply.

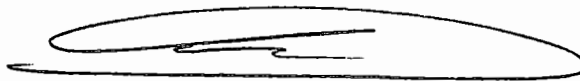
6. Juan, therefore, submits that the government has erred in its position in Opposition to Juan's Motion for relief and this Honorable Court to reduce Juan's Sentencing Guideline calculation by two-levels and recalculate Juan's sentence accordingly, to be effective from and after February 1, 2024.

**CONCLUSION**

WHEREFORE, the Court should grant this motion, order a two-level reduction of Juan's calculation under the Federal Sentencing Guidelines, and recalculate Juan's sentence reflecting the aforementioned two-level reduction, to be effective as of February 1, 2024.

Dated: November 22, 2023

Respectfully submitted,



Alexander Juan  
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**CERTIFICATE**

I hereby certify that I have placed a true and correct copy of the foregoing in the U.S. Mail with first class postage prepaid and properly addressed to the following on this 22 day of November, 2023:

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